



September 1, 2015

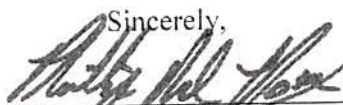
Michelle Josilo  
Acting Grants Management Officer  
U.S. Environmental Protection Agency  
Department 9  
75 Hawthorne St.  
MTS-7  
San Francisco, CA 94105  
Email: [Josilo.Michelle@epa.gov](mailto:Josilo.Michelle@epa.gov)  
cc to: [Ali.Farced@epa.gov](mailto:Ali.Farced@epa.gov)

**Re: Alturas Indian Rancheria/Wayne Smith**

Dear Ms. Josilo:

The Alturas Indian Rancheria ("Tribe") hereby authorizes the United States Environmental Protection Agency ("EPA") to discuss the pending investigation of Wayne Smith and the unauthorized drawdowns by Mr. Smith of Federal grant funds regarding the Tribe's General Assistance Program grant, GA-00T128010, with John M. Peebles, Esq. or Ross Colburn, Esq. of Fredericks Peebles & Morgan LLP.

The Tribe authorizes EPA to discuss any matters relating to the program grant, pending investigation of Wayne Smith, and any matters relating to the Tribe, with Mr. Peebles or Mr. Colburn. Please contact me at (541) 941-2324 with any questions.

Sincerely,  
  
Phillip Del Rosa  
Chairman  
Alturas Indian Rancheria

**From:** russell, sara  
**Sent:** Thursday, July 02, 2015 2:23 PM  
**To:** [snormington@desertrosecasino.net](mailto:snormington@desertrosecasino.net)  
**Cc:** Ali, Fareed; Ebbert, Laura; Woods, Anna; Wilhite, Timothy  
**Subject:** Alturas Indian Rancheria (GAP: GA-00T128010)

Mr. Normington,

Thank you for your email. Unfortunately due to the nature of the issues surrounding the Alturas Indian Rancheria's tribal government EPA can only communicate grant-related matters with the federally recognized tribal government as identified in the Bureau of Indian Affairs letter dated 4/3/2015. In that letter BIA establishes on an interim basis, Phillip Del Rosa, Chairman and Darren Rose, Vice Chairman, as the individuals the Federal Government can conduct business with. Please have Mr. Del Rosa or Mr. Rose contact EPA regarding this matter.

Respectfully,

Sara Russell

Sara Russell  
Grants Management Officer  
U.S. Environmental Protection Agency  
75 Hawthorne St. – MTS-7  
San Francisco, CA 94105  
(415) 972-3663  
[russell.sara@epa.gov](mailto:russell.sara@epa.gov), EPA Region 9 Grants Funding Page

When applying for a EPA Grant, use Grants.gov:  
[www.grants.gov](http://www.grants.gov)  
[Grants.gov Applicant User Guide](#)  
[Grants.gov Training Videos and Documents](#)  
For assistance 24 hours a day, 7 days a week contact 1-800-518-4726 (closed on federal holidays)

**From:** Shawn Normington [<mailto:snormington@desertrosecasino.net>]  
**Sent:** Tuesday, June 30, 2015 3:09 PM  
**To:** [whilhite.timothy@epa.gov](mailto:whilhite.timothy@epa.gov); Ali, Fareed; Woods, Anna  
**Subject:** GA-00T128010 GAP Grant

June 30, 2015

To: Tim Wilhite, EPA Project  
Officer

Fareed Ali, EPA Grants Management Specialist  
Anna Woods, EPA Las Vegas Finance Center

As directed by the Business Council, the governing body of the tribe I write this correspondence in reference to General Assistance Program Grant GA-00T128010. In reference to this grant are the two draw downs of funds on 09/16/2014 and 10/15/2014 for a total sum of \$324,400.00. The funds were draw down by Wayne Smith per

information provided by Anna Woods. At that time she was informed that Mr. Smith had been terminated as the Tribal Administrator on 09/10/2014 by the General Council of the Tribe.

The governing body of the tribe is requesting a complete copy of the original grant application as no records of this grant can be located. Also, the funds drawn by Mr. Smith have never been deposited into any of the lawful tribal accounts as of this date.

The tribe at this time in reference to the Grant Enforcement Warning from your office to the tribe concerning the funds drawn by Mr. Smith after his termination from his position was not authorized by the governing body. The funds were clearly EPA Federal Funds and were not Tribal funds. Therefore Mr. Smith took the funds from the EPA and not the tribe. The tribe at this time has been unable to locate or identify any improvements or project that funds from EPA would have been used for.

Please find attached Mr. Smith's Termination Notice and two Bureau of Indian Affairs determinations on who the Governing Body of the tribe is.

Shawn Normington, G.M.  
Alturas Indian Rancheria

## Woods, Anna

---

**From:** Suzanne Balluff <SBalluff@ndnlaw.com>  
**Sent:** Tuesday, September 01, 2015 5:42 PM  
**To:** russell, sara (Separated 8/22/15)  
**Cc:** Wilhite, Timothy; Ali, Fareed; Woods, Anna; John Peebles; Ross Colburn; 'AIR'; Darren  
**Subject:** Letter re: EPA Grant Enforcement Warning - Request for Meeting  
**Attachments:** 20150831 AIR to EPA re Grant Enforcement Warning - Request for Meeting.pdf

Dear Ms. Russell:

Attached please find correspondence from Phillip Del Rosa and Darren Rose of the Alturas Indian Rancheria in relation to the above-referenced matter.

Thank you.

Suzanne Balluff, Paralegal  
Fredericks Peebles & Morgan LLP  
2020 L Street, Suite 250  
Sacramento, CA 95811  
T: 916-441-2700  
F: 916-441-2067  
[sballuff@ndnlaw.com](mailto:sballuff@ndnlaw.com)  
[www.ndnlaw.com](http://www.ndnlaw.com)

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## Woods, Anna

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**From:** Ali, Fareed  
**Sent:** Tuesday, September 01, 2015 2:17 PM  
**To:** Michelle Josilo; Woods, Anna  
**Cc:** Leon, Sandra; Ebbert, Laura; Wilhite, Timothy  
**Subject:** FW: UPDATE: Alturas Indian Rancheria (GAP: GA-00T128010) - drawdown issue + BIA recognized gov't  
**Attachments:** Termination Smith.pdf; Termination Marcus.pdf; Governing Body.pdf; BIA Letter2.pdf; Alturas Rancheria - EPA Grant Enforcement Warning Letter - 5-7-2015.pdf

I have attached EPA's Warning Grant Enforcement Letter, dated 5/7/2015 to this email. I am also cc'ing Laura Ebbert and Tim Wilhite of our Tribal Programs Office to apprise them of the latest regarding Alturas.

---

Fareed Ali  
Grants Management Office  
U.S. Environmental Protection Agency, Reg 9  
75 Hawthorne Street, Mail Code: MTS-7  
San Francisco, CA 94105  
Tel.: (415) 972-3665  
Fax.: (415) 947-3556  
Email [ali.fareed@epa.gov](mailto:ali.fareed@epa.gov)

**From:** Ali, Fareed  
**Sent:** Tuesday, September 01, 2015 2:13 PM  
**To:** Michelle Josilo; Woods, Anna  
**Cc:** Leon, Sandra  
**Subject:** UPDATE: Alturas Indian Rancheria (GAP: GA-00T128010) - drawdown issue + BIA recognized gov't

Anna and Michelle,

A quick update on Alturas.

I left a voicemail for John Peebles, the attorney for Alturas Rancheria, and I spoke with his paralegal this afternoon. I explained that since BIA has in the interim (for FY2015) recognized Phillip Del Rosa (Chair) and Darren Rose (Vice Chair) we are only allowed to communicate with them regarding the current issues with Alturas. Their attorney will work with Phillip and Darren to obtain a letter authorizing them to communicate with EPA. The letter will be addressed to Michelle as the Acting GMO beginning next week and will also be emailed to EPA.

---

Fareed Ali  
Grants Management Office  
U.S. Environmental Protection Agency, Reg 9  
75 Hawthorne Street, Mail Code: MTS-7  
San Francisco, CA 94105  
Tel.: (415) 972-3665  
Fax.: (415) 947-3556  
Email [ali.fareed@epa.gov](mailto:ali.fareed@epa.gov)

EPA Region 9 Grants Website: <http://www.epa.gov/region9/funding/>

Tribal Website: <http://www.epa.gov/region09/tribal/rtoc/index.html>

INFORMATION ON GRANTS.GOV:

- [www.grants.gov](http://www.grants.gov)

- [Grants.gov Applicant User Guide](#)
- For assistance 24 hours a day, 7 days a week contact 1-800-518-4726 (closed on federal holidays).

**From:** Filart, Cheryl  
**Sent:** Tuesday, September 01, 2015 8:19 AM  
**To:** Ali, Fareed  
**Cc:** Michelle Josilo; Woods, Anna  
**Subject:** FW: Alturas Indian Rancheria (GAP: GA-00T128010)

Fareed – please work with Anna to handle this request, as I am not the Acting GMO.  
 Anna – Michelle Josilo will start officially as the Acting GMO on September 7<sup>th</sup>.

**From:** Woods, Anna  
**Sent:** Tuesday, September 01, 2015 7:55 AM  
**To:** Filart, Cheryl; Ali, Fareed; Ebbert, Laura; Wilhite, Timothy  
**Cc:** Leon, Sandra  
**Subject:** FW: Alturas Indian Rancheria (GAP: GA-00T128010)

Good Morning, All! I sent the below message last Thursday. John Peebles has left another message for me. I called him back to tell him we can only communicate with Phil Del Rosa (Chair) or Darren Rose (Vice Chair.) I received a voicemail message which was a law office. I assume he is their lawyer. I talked with Sandy this morning who suggests I tell him we need a letter from the current Chairman giving him the authority to communicate with EPA regarding this matter. I am guessing Cheryl is acting. Would it be okay if once the letter is prepared that they email to Cheryl? Thanks for your help!!

**From:** Woods, Anna  
**Sent:** Thursday, August 27, 2015 1:59 PM  
**To:** Ebbert, Laura; Ali, Fareed; Wilhite, Timothy; Chan, Renee  
**Cc:** Knight, Jessica; Brasier, Eileen  
**Subject:** Telephone Call from John Peebles Alturas Rancheria regarding GA00T12801

Good Afternoon, All. Someone named John Peebles (916)441-2136 left a message for me saying that Darren Rose told him to call. I know Region 9 sent them a letter telling them we could only talk to Darren Rose. I am not going to call him back but didn't know if any of you wanted to call him? I am on my CDO tomorrow and don't want him calling my backup, Eileen Brasier, while I am out.

Anna Woods  
 Financial Specialist, LVFC  
 Phone: (702)798-2496  
 Fax: (702)798-2423

Anna Woods  
 Financial Specialist, LVFC  
 Phone: (702)798-2496  
 Fax: (702)798-2423

Mailing address for FFRs:

U.S. EPA, LVFC  
4220 South Maryland Parkway  
Building C  
Las Vegas, NV 89119

Email address for Payment Requests/FFRS: [lvfc-grants@epa.gov](mailto:lvfc-grants@epa.gov)

Visit the LVFC website at: [WWW2.EPA.gov/Financial](http://WWW2.EPA.gov/Financial)

Visit Region 9 website at: <http://www.epa.gov/region9/funding/managing.html>

IMPORTANT!!! PLEASE REMEMBER WHEN DRAWING FUNDS IN ADVANCE, YOU MAY ONLY REQUEST THE AMOUNT REQUIRED FOR IMMEDIATE CASH NEEDS. ONCE THE FUNDS ARRIVE IN YOUR BANK, YOU SHOULD HAVE CHECKS WRITTEN WITHIN 3 DAYS.

**From:** russell, sara  
**Sent:** Thursday, July 02, 2015 2:23 PM  
**To:** [snormington@desertrosecasino.net](mailto:snormington@desertrosecasino.net)  
**Cc:** Ali, Fareed; Ebbert, Laura; Woods, Anna; Wilhite, Timothy  
**Subject:** Alturas Indian Rancheria (GAP: GA-00T128010)

Mr. Normington,

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Respectfully,

Sara Russell

Sara Russell  
Grants Management Officer  
U.S. Environmental Protection Agency  
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San Francisco, CA 94105  
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[russell.sara@epa.gov](mailto:russell.sara@epa.gov), [EPA Region 9 Grants Funding Page](#)

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**Sent:** Tuesday, June 30, 2015 3:09 PM  
**To:** [whilhite.timothy@epa.gov](mailto:whilhite.timothy@epa.gov); Ali, Fareed; Woods, Anna  
**Subject:** GA-00T128010 GAP Grant

June 30, 2015

To: Tim Wilhite, EPA Project  
Officer

Fareed Ali, EPA Grants Management Specialist  
Anna Woods, EPA Las Vegas Finance Center

As directed by the Business Council, the governing body of the tribe I write this correspondence in reference to General Assistance Program Grant GA-00T128010. In reference to this grant are the two draw downs of funds on 09/16/2014 and 10/15/2014 for a total sum of \$324,400.00. The funds were draw down by Wayne Smith per information provided by Anna Woods. At that time she was informed that Mr. Smith had been terminated as the Tribal Administrator on 09/10/2014 by the General Council of the Tribe.

The governing body of the tribe is requesting a complete copy of the original grant application as no records of this grant can be located. Also, the funds drawn by Mr. Smith have never been deposited into any of the lawful tribal accounts as of this date.

The tribe at this time in reference to the Grant Enforcement Warning from your office to the tribe concerning the funds drawn by Mr. Smith after his termination from his position was not authorized by the governing body. The funds were clearly EPA Federal Funds and were not Tribal funds. Therefore Mr. Smith took the funds from the EPA and not the tribe. The tribe at this time has been unable to locate or identify any improvements or project that funds from EPA would have been used for.

Please find attached Mr. Smith's Termination Notice and two Bureau of Indian Affairs determinations on who the Governing Body of the tribe is.

Shawn Normington, G.M.  
Alturas Indian Rancheria



# Automated Standard Application for Payments

## PAYMENT REQUEST STATUS INQUIRY

ALC/Region : 68128933/  
Recipient Organization ID : 0641185  
Agency Account ID : GA00T12801  
Payment Request Date From : 11/04/2013  
Payment Request Status :

Agency Short Name : LVFMC  
Recipient Short Name : AIR  
Requestor Reference Number :  
To Date : 11/07/2013

Agency Location Code/Region : 68128933/  
Recipient Organization ID : 0641185  
Request Date : 11/05/2013  
DFI ABA Number : 121138288  
DFI Short Name : PLUMAS BK QUIN  
Further Credit ABA : 000000000  
Current Available Balance :  
ACH Cycle Date : 11/05/2013  
ACH Cycle Number : G  
Funds IMAD :  
Date/Time Sent for Review :  
Agency Action :

Agency Short Name : LVFMC  
Recipient Short Name : AIR  
Request Time : 18:49:335  
Bank Account Number : 171012039  
User ID of Request Initiator : 17817172  
Further Credit Short Name : NOT FOUND  
ASAP Sequence Number : 11/05/2013 17817172 000001 000001  
ACH Batch Number : 311  
ACH Trace Number : 51036800000616  
Actual Settlement Date : 11/06/2013  
Date/Time of Agency Action :  
User ID of Agency Reviewer :

Agency Account Id	Requested Amount	Requestor Reference Number	Payment Request Status	Remittance Code	Remittance Amount
GA00T12801	\$25,000.00		Sent and acknowledged		

## Woods, Anna

---

**From:** Woods, Anna  
**Sent:** Monday, January 26, 2015 7:54 AM  
**To:** Ali, Fareed  
**Subject:** Alteras Rancheria Payment Requester

Hey, Fareed! The ASAP Help Desk responded with the userid that requested payment for Alturas. It is Wayne Smith. I don't see him as a user in the system now.

Anna Woods  
Financial Specialist, LVFC  
Phone: (702)798-2496  
Fax: (702)798-2423

Mailing address for FFRs:

U.S. EPA, LVFC  
4220 South Maryland Parkway  
Building C  
Las Vegas, NV 89119

Email address for Payment Requests/FFRS: [lvfc-grants@epa.gov](mailto:lvfc-grants@epa.gov)

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Visit Region 9 website at: <http://www.epa.gov/region9/funding/managing.html>

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**From:** [Jennifer.Worstell@fiscal.treasury.gov](mailto:Jennifer.Worstell@fiscal.treasury.gov) [<mailto:Jennifer.Worstell@fiscal.treasury.gov>]  
**Sent:** Monday, January 26, 2015 4:35 AM  
**To:** Woods, Anna  
**Subject:** Fw: User look up request

Anna,

Looks like Wayne Smith is request initiator 17817172.

Hope that helps!

Jennifer Worstell

ASAP.gov Customer Support Team  
U.S. Department of the Treasury  
Bureau of The Fiscal Service  
Toll free number: 1-855-868-0151 (option 2, option 3)  
Fax: 816-414-2120  
Email: [kfc.asap@fms.treas.gov](mailto:kfc.asap@fms.treas.gov)

----- Forwarded by Jennifer Worstell/KC/FMS on 01/26/2015 06:33 AM -----

RICH ASAP CBAF <[amacbaf.asap@rich.frb.org](mailto:amacbaf.asap@rich.frb.org)>  
Sent by: "Fiarkoski, John" <[John.Fiarkoski@kc.frb.org](mailto:John.Fiarkoski@kc.frb.org)>

To "Worstell, Jennifer (Treasury)" <[jennifer.worstell@fiscal.treasury.gov](mailto:jennifer.worstell@fiscal.treasury.gov)>, RICH ASAP  
CBAF <[amacbaf.asap@rich.frb.org](mailto:amacbaf.asap@rich.frb.org)>

cc

01/23/2015 08:54 AM

Subject RE: User look up request

Hi Jennifer,

The user that requested this payment is Wayne Smith.

**From:** [Jennifer.Worstell@fiscal.treasury.gov](mailto:Jennifer.Worstell@fiscal.treasury.gov) [<mailto:Jennifer.Worstell@fiscal.treasury.gov>]

**Sent:** Thursday, January 22, 2015 2:48 PM

**To:** RICH ASAP CBAF

**Subject:** User look up request

Hello,

Anna Woods with EPA contacted us and wanted to know if we could provide her with the user who requested payments.

The payment status inquiry shows: User ID of Request Initiator : 17817172. Can you find out who this user is? There is some conflict with this organization and they are attempting to do additional research on payment request that have been made.

Jennifer Worstell

ASAP.gov Customer Support Team  
U.S. Department of the Treasury  
Bureau of The Fiscal Service  
Toll free number: 1-855-868-0151 (option 2, option 3)  
Fax: 816-414-2120  
Email: [kfc.asap@fms.treas.gov](mailto:kfc.asap@fms.treas.gov)

## Automated Standard Application for Payments RECIPIENT ORGANIZATION USERS INQUIRY

---

Recipient ID : 0641185  
DUNS : 617363544  
EIN : 94-2469965  
Recipient Org Name : ALTURAS INDIAN RANCHERIA

---

Roles : Head Of Organization, Authorizing Official, Financial Official, Point Of Contact, Payment Requestor

Name : Darren P Rose  
Generation :  
Title : vice chairman  
Organization Name : Alturas Indian Rancheria  
Address : po box 340

Alturas, CA 96101  
US

Phone : (530) 262-5443      Ext :  
Email : shastamtninc2@aol.com



# Automated Standard Application for Payments

## PAYMENT REQUEST STATUS INQUIRY

ALC/Region : 68128933/  
Recipient Organization ID : 0641185  
Agency Account ID : GA00T12801  
Payment Request Date From : 01/10/2014  
Payment Request Status :

Agency Short Name : LVFMC  
Recipient Short Name : AIR  
Requestor Reference Number :  
To Date : 01/16/2014

Agency Location Code/Region : 68128933/  
Recipient Organization ID : 0641185  
Request Date : 01/10/2014  
DFI ABA Number : 121138288  
DFI Short Name : PLUMAS BK QUIN  
Further Credit ABA : 000000000  
Current Available Balance :  
ACH Cycle Date : 01/13/2014  
ACH Cycle Number : A  
Funds IMAD :  
Date/Time Sent for Review :  
Agency Action :

Agency Short Name : LVFMC  
Recipient Short Name : AIR  
Request Time : 11:54:304  
Bank Account Number : 171012039  
User ID of Request Initiator : 17817172  
Further Credit Short Name : NOT FOUND  
ASAP Sequence Number : 01/10/2014 17817172 000001 000001  
ACH Batch Number : 26  
ACH Trace Number : 51036800000050  
Actual Settlement Date : 01/14/2014  
Date/Time of Agency Action :  
User ID of Agency Reviewer :

Agency Account Id	Requested Amount	Requestor Reference Number	Payment Request Status	Remittance Code	Remittance Amount
GA00T12801	\$50,000.00		Sent and acknowledged		

# Automated Standard Application for Payments

## PAYMENT REQUEST STATUS INQUIRY

ALC/Region : 68128933/  
Recipient Organization ID : 0641185  
Agency Account ID : GA00T12801  
Payment Request Date From : 09/12/2014  
Payment Request Status :

Agency Short Name : LVFMC  
Recipient Short Name : AIR  
Requestor Reference Number :  
To Date : 10/16/2014

Agency Location Code/Region : 68128933/  
Recipient Organization ID : 0641185  
Request Date : 09/15/2014  
DFI ABA Number : 121138288  
DFI Short Name : PLUMAS BK QUIN  
Further Credit ABA : 000000000  
Current Available Balance :  
ACH Cycle Date : 09/15/2014  
ACH Cycle Number : F  
Funds IMAD :  
Date/Time Sent for Review :  
Agency Action :

Agency Short Name : LVFMC  
Recipient Short Name : AIR  
Request Time : 17:39:568  
Bank Account Number : 171011841  
User ID of Request Initiator : 17817172  
Further Credit Short Name : NOT FOUND  
ASAP Sequence Number : 09/15/2014 17817172 000001 000001  
ACH Batch Number : 308  
ACH Trace Number : 51036800000822  
Actual Settlement Date : 09/16/2014  
Date/Time of Agency Action :  
User ID of Agency Reviewer :

Agency Account Id	Requested Amount	Requestor Reference Number	Payment Request Status	Remittance Code	Remittance Amount
GA00T12801	\$124,400.00		Sent and acknowledged		

# Automated Standard Application for Payments

## PAYMENT REQUEST STATUS INQUIRY

ALC/Region : 68128933/  
Recipient Organization ID : 0641185  
Agency Account ID : GA00T12801  
Payment Request Date From : 09/12/2014  
Payment Request Status :

Agency Short Name : LVFMC  
Recipient Short Name : AIR  
Requestor Reference Number :  
To Date : 10/16/2014

Agency Location Code/Region : 68128933/  
Recipient Organization ID : 0641185  
Request Date : 10/14/2014  
DFI ABA Number : 121138288  
DFI Short Name : PLUMAS BK QUIN  
Further Credit ABA : 000000000  
Current Available Balance :  
ACH Cycle Date : 10/14/2014  
ACH Cycle Number : G  
Funds IMAD :  
Date/Time Sent for Review :  
Agency Action :

Agency Short Name : LVFMC  
Recipient Short Name : AIR  
Request Time : 17:11:185  
Bank Account Number : 171011841  
User ID of Request Initiator : 17817172  
Further Credit Short Name : NOT FOUND  
ASAP Sequence Number : 10/14/2014 17817172 000001 000001  
ACH Batch Number : 412  
ACH Trace Number : 51036800001123  
Actual Settlement Date : 10/15/2014  
Date/Time of Agency Action :  
User ID of Agency Reviewer :

Agency Account Id	Requested Amount	Requestor Reference Number	Payment Request Status	Remittance Code	Remittance Amount
GA00T12801	\$200,000.00		Sent and acknowledged		

## Woods, Anna

**From:** Ali, Fareed  
**Sent:** Thursday, January 22, 2015 11:59 AM  
**To:** Woods, Anna  
**Subject:** FW: alturas

Anna,

Our good friends at Alturas are keeping us on our toes. Tim Wilhite and I are doing some fact finding before we decide to put the Tribe on any sort of payment control. For their past 3 drawdowns would you happen to know which individual from the Tribe requested funds via ASAP?

**Doc No:** GA00T12801  
**Vendor Code:** 942469965A V  
**IGMS Grant No:** 00T12801-1  
**IGMS Budget Start Date:** 10/01/2013  
**IGMS Budget End Date:** 09/30/2017  
**IGMS Project Start Date:** 10/01/2013  
**IGMS Project End Date:** 09/30/2017  
**Order Date:** 08/08/13  
**Closed Date:** 10/16/14  
**Servicing Finance Office:** LVFC  
**Order Amount:** \$399,400.00  
**Net Paid Amount:** \$399,400.00  
**Closed Amount:** \$399,400.00  
**Available Amount:** \$0.00  
**Vendor:** ALTURAS INDIAN RANCHERIA  
**Vendor Legal Name:** ALTURAS INDIAN RANCHERIA  
**Alternate Vendor:**  
**Description:**  
**Extended Description:**

**Document Details:** [Expand](#)

Line#	Line Amt	Expended Amt	Closed Amt	Refunded Amt	Available Amt	BFY	Fund	Org	Program	Project	FOC
1	\$75,000.00	\$75,000.00	\$75,000.00	\$0.00	\$0.00	2013	E1	09FA0R1	304L15	n/a	4121
2	\$324,400.00	\$324,400.00	\$324,400.00	\$0.00	\$0.00	2014	E1	09QA0R1	304L15	n/a	4121

**Document Activity:**

Date	Ref Amount	Related Document	Direction	Date	Ref Amount	Related Document	Date	Ref Amount	Related Document
10/15/2014	\$200,000.00	DT 15AS874636	Forward						
09/16/2014	\$124,400.00	DT 14AS869094	Forward						
08/04/2014	\$324,400.00	RQ 1409QE0131	Back						
01/14/2014	\$50,000.00	DT 14AS820283	Forward						
11/06/2013	\$25,000.00	DT 14AS807646	Forward						
08/08/2013	\$75,000.00	RQ 1309FE0094	Back						



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Email [ali.fareed@epa.gov](mailto:ali.fareed@epa.gov)

**From:** Ali, Fareed  
**Sent:** Thursday, January 22, 2015 11:32 AM  
**To:** Wilhite, Timothy  
**Cc:** russell, sara  
**Subject:** RE: alturas

Tim,

Thanks for the info. First off I can appreciate the measures one faction took to "protect" the funds, however there are cash disbursement regulations that prohibit too much cash on hand and the Tribe may need to address that. Let's discuss further at what our options are and we'll go from there. I'll let my supervisor Sara Russell know what's going on, in fact I'll "cc" her on this email. We'll be in touch.

---

Fareed Ali  
Grants Management Office  
U.S. Environmental Protection Agency, Reg 9  
75 Hawthorne Street, Mail Code: MTS-7  
San Francisco, CA 94105  
Tel.: (415) 972-3665  
Fax.: (415) 947-3556  
Email [ali.fareed@epa.gov](mailto:ali.fareed@epa.gov)

**From:** Wilhite, Timothy  
**Sent:** Thursday, January 22, 2015 10:43 AM  
**To:** Ali, Fareed  
**Subject:** alturas

Hi Fareed:

I talked to Creig and found out the following information.

- His last day with the Tribe (until recently) was ~ September 7 or 8, which is when the Council dispute started.
- To avoid one side of the Council from having access to EPA funds, an accountant recommended they be drawn and placed in a safe bank account, where they remain (presumably).
- The Tribe had a dispute in 2011, at which time one side of the tribal faction drew all funds available and proposed to the BIA they be split between three members. That experience is what motivated one faction of the Tribe to draw EPA funds and put them in a safe account. The Tribal audit of 2011 apparently lead members to recall a tribal Councilman (Phillip Del Rosa), on suspicion of embezzlement.
- Yesterday, the DOJ began an investigation of Phillip Del Rosa, based on the 2011 forensic audit. The Tribe's audits in 2012 and 2013 came out clean.
- Creig will email or text Wayne's number to me.

I have to go take my daughter home from school (she's sick). Will be back later in the day. We may want to loop our Supervisors into this, and they may want to loop Bob Adaci in?

Regards,

Tim Wilhite  
Tribal Liaison, Tribal Section  
Land Division, LND-3-1  
U.S. Environmental Protection Agency, Region 9  
1711 South Main Street  
Yreka, CA 96097  
530-841-4577  
<http://www.epa.gov/region9/tribal/>



## Woods, Anna

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**From:** russell, sara  
**Sent:** Thursday, July 02, 2015 2:23 PM  
**To:** snormington@desertrosecasino.net  
**Cc:** Ali, Fareed; Ebbert, Laura; Woods, Anna; Wilhite, Timothy  
**Subject:** Alturas Indian Rancheria (GAP: GA-00T128010)  
**Attachments:** Termination Smith.pdf; Termination Marcus.pdf; Governing Body.pdf; BIA Letter2.pdf

Mr. Normington,

Thank you for your email. Unfortunately due to the nature of the issues surrounding the Alturas Indian Rancheria's tribal government EPA can only communicate grant-related matters with the federally recognized tribal government as identified in the Bureau of Indian Affairs letter dated 4/3/2015. In that letter BIA establishes on an interim basis, Phillip Del Rosa, Chairman and Darren Rose, Vice Chairman, as the individuals the Federal Government can conduct business with. Please have Mr. Del Rosa or Mr. Rose contact EPA regarding this matter.

Respectfully,

Sara Russell

Sara Russell  
Grants Management Officer  
U.S. Environmental Protection Agency  
75 Hawthorne St. – MTS-7  
San Francisco, CA 94105  
(415) 972-3663  
[russell.sara@epa.gov](mailto:russell.sara@epa.gov), [EPA Region 9 Grants Funding Page](#)

When applying for a EPA Grant, use Grants.gov:

[www.grants.gov](http://www.grants.gov)

[Grants.gov Applicant User Guide](#)

[Grants.gov Training Videos and Documents](#)

For assistance 24 hours a day, 7 days a week contact 1-800-518-4726 (closed on federal holidays)

**From:** Shawn Normington [<mailto:snormington@desertrosecasino.net>]

**Sent:** Tuesday, June 30, 2015 3:09 PM

**To:** [whilhite.timothy@epa.gov](mailto:whilhite.timothy@epa.gov); Ali, Fareed; Woods, Anna

**Subject:** GA-00T128010 GAP Grant

June 30, 2015

To; Tim Wilhite, EPA Project  
Officer

Fareed Ali, EPA Grants Management Specialist

Anna Woods, EPA Las Vegas Finance Center



As directed by the Business Council, the governing body of the tribe I write this correspondence in reference to General Assistance Program Grant GA-00T128010. In reference to this grant are the two draw downs of funds on 09/16/2014 and 10/15/2014 for a total sum of \$324,400.00. The funds were draw down by Wayne Smith per information provided by Anna Woods. At that time she was informed that Mr. Smith had been terminated as the Tribal Administrator on 09/10/2014 by the General Council of the Tribe.

The governing body of the tribe is requesting a complete copy of the original grant application as no records of this grant can be located. Also, the funds drawn by Mr. Smith have never been deposited into any of the lawful tribal accounts as of this date.

The tribe at this time in reference to the Grant Enforcement Warning from your office to the tribe concerning the funds drawn by Mr. Smith after his termination from his position was not authorized by the governing body. The funds were clearly EPA Federal Funds and were not Tribal funds. Therefore Mr. Smith took the funds from the EPA and not the tribe. The tribe at this time has been unable to locate or identify any improvements or project that funds from EPA would have been used for.

Please find attached Mr. Smith's Termination Notice and two Bureau of Indian Affairs determinations on who the Governing Body of the tribe is.

Shawn Normington, G.M.  
Alturas Indian Rancheria



September 10, 2014

Mr. Wayne Smith  
2020 Long View Drive  
Meadow Vista, CA 95722

**Re: Termination Notice**

Dear Mr. Smith:

The purpose of this letter is to inform you the governing body of the Alturas Indian Rancheria ("Tribe"), the undersigned majority of the General Council, has terminated its employment relationship with you, effective immediately.

Please be advised you have no authority to represent the Tribe on any matter or hold yourself out as a representative or speak on behalf of the Tribe. Please govern yourself accordingly.

Regards,

Alturas Indian Rancheria

  
\_\_\_\_\_  
Darren Rose  
Co-Chairman and Vice-Chairman of the  
Business Committee  
General Council Member

  
\_\_\_\_\_  
Phillip Del Rosa  
General Council Member

  
\_\_\_\_\_  
Alissa Rose  
General Council Member



September 10, 2014

Mr. Creig Marcus  
PO Box 637  
Kingsburg, CA 93631-0637

**Re: Termination Notice**

Dear Mr. Marcus:


The purpose of this letter is to inform you the governing body of the Alturas Indian Rancheria ("Tribe"), the undersigned majority of the General Council, has terminated its employment relationship with you, effective immediately.

Please be advised you have no authority to represent the Tribe on any matter or hold yourself out as a representative or speak on behalf of the Tribe. Please govern yourself accordingly.

Regards,

Alturas Indian Rancheria

  
\_\_\_\_\_  
Darren Rose  
Co-Chairman and Vice-Chairman of the  
Business Committee  
General Council Member

  
\_\_\_\_\_  
Phillip De Rosa  
General Council Member

  
\_\_\_\_\_  
Alissa Rose  
General Council Member





# United States Department of the Interior

**BUREAU OF INDIAN AFFAIRS**  
Northern California Agency  
364 Knollcrest Drive, Suite 105  
Redding, California 96002-0175



IN REPLY REFER TO:  
Executive Direction

APR 03 2015

Wendy Del Rosa  
P. O. Box 967  
Janesville, CA 96114

Phillip Del Rosa  
711 Medford Center, PMB #367  
Medford, OR 97504

Darren Rose  
900 Running Bear Road  
Yreka, CA 96097

Dear Madam/Sirs:

This is in response to the request for a new 3 year Public Law 93-638 Contract for the Alturas Indian Rancheria submitted by Phillip Del Rosa and Darren Rose, which was received by the Agency December 10, 2014. By email, on February 13, 2015, in accordance with 25 Code of Federal Regulations § 900.17, because of the on-going Bureau financed mediation between the two factions, this Agency requested a 60-day extension to the statutory 90-day period to review their request to re-contract, to approve, and to award the contract. This request was approved by Mr. Rose and Mr. Del Rosa on February 13, 2015.

In order to approve a Public Law 93-638 Contract request, the Bureau must determine if the request has been submitted by a duly authorized Tribal Organization. The Tribe's Business Committee has split into two factions; the first includes Phillip Del Rosa and Darren Rose and the other is Wendy Del Rosa. Currently, this Agency has before it, two requests for a new Fiscal Year 2015 Public Law 93-638 contract submitted by competing factions of the Alturas Indian Rancheria, and claiming to be the rightful governing body of the Tribe. The Tribe's governance dispute is internal to the Tribe and should be resolved within the framework of the Tribe's governing documents.

This Agency is aware of the small membership of the Alturas Indian Rancheria, and that the composition of the Tribal Business Committee may possibly constitute a majority of its tribal membership. Even though there have been numerous conflicting reports to this Agency related to the total membership and the rights of specific members, this Agency does not have the authority to address the present and lengthy tribal membership issues. It has long been held by the federal courts that an Indian tribe has the right to self-government, *Wheeler v. United States Dept. of the Interior*, 811 F. 2nd 549 (10th Cir. 1987), and the right to determine its own membership. See, *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978). Indian tribes have complete authority and control over their own membership determinations.



There have been multiple allegations related to the misuse of federal funds by both factions, which have caused concern for this Agency. It appears based on the allegations, at minimum, that federally approved funds may have been commingled with other Tribal funds that were not federally awarded. However, this Agency does not have the investigatory powers enabling it to determine with clarity the legitimacy of these multiple allegations. Therefore, due to this Agency's concerns related to the allegations of misuse of appropriated funds, this Agency will only approve the request to re-contract for Fiscal Year 2015, and the funds will be distributed quarterly on a cost reimbursable basis, as approved by the Superintendent. The Business Committee will be required to submit monthly expenditures for the Agency's review and the Superintendent's approval of quarterly disbursements.

In order to prevent a hiatus in the government-to-government relationship with the Alturas Indian Rancheria, this Agency must determine with whom it can conduct business in its government-to-government relationship with the Alturas Indian Rancheria. This Agency will turn to the last undisputed Tribal Business Committee, agreed upon in the January 11, 2012, Settlement Agreement, filed in the United States District Court, and signed by Judge Lawrence K. Karlton (*Alturas Indian Rancheria v. Kenneth L. Salazar, et al., No. 2:10-CV-01997-LKK-EFB*). In accordance with this agreement, this Agency will conduct business on an interim basis with Phillip Del Rosa, Chairman, Darren Rose, Vice Chairman, and Wendy Del Rosa, Secretary. **The request for a new Public Law 93-638 Contract submitted by Phillip Del Rosa and Darren Rose was approved by a quorum of the Tribe's last uncontested Business Committee, and the contract is hereby approved by the Agency.** Consequently, the Agency is denying Ms. Wendy Del Rosa's request to re-contract, dated January 27, 2015, hand-carried and received at the Agency, January 28, 2015. Furthermore, the Agency is only approving the request to re-contract from Mr. Del Rosa and Mr. Rose for the current year, Fiscal Year 2015.

If there is a question, please contact me at (530) 223-7961.

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. Virgil Akins". The signature is stylized with a large, looped "D" and a cursive "Akins".

Dr. Virgil Akins  
Superintendent



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Northern California Agency  
364 Knollcrest Drive, Suite 105  
Redding, California 96002-0175



IN REPLY REFER TO  
Executive Direction

APR 16 2015

Wendy Del Rosa  
P. O. Box 967  
Janesville, CA 96114

Dear Ms. Del Rosa:

This correspondence acknowledges receipt of your April 13, 2015, letter requesting that this office reconsider its recent letter of April 6, 2015, in which the Agency recognized the Business Committee as the governing body for the singular purpose of contracting under the Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 450 et. seq., while the Alturas Indian Rancheria works to get the internal tribal issues resolved of which tribal membership is of critical concern. Presently, your request is under review; however, because of on-going day to day business activities surrounding the Tribe, the Agency's April 6, 2015, decision to recognize the Alturas Business Committee remains in place while the Agency reviews your request that the Agency reconsider its April 6, 2015, decision letter. If there is a question, please contact me at (530) 223-7961.

Sincerely,

Dr. Virgil Akins  
Superintendent

Cc: Director, Pacific Region  
Phillip Del Rosa  
Darren Rose

## Woods, Anna

---

**From:** Tiwamarcus@aol.com  
**Sent:** Thursday, May 07, 2015 2:34 PM  
**To:** Ali, Fareed; wayne@ardg.net  
**Cc:** Wilhite, Timothy; Ebbert, Laura; russell, sara; Chan, Renee; Woods, Anna  
**Subject:** Re: EPA Grant Enforcement Warning - Alturas Rancheria (GAP: GA-00T12801-0)  
**Attachments:** 2nd Quarter GAP online report. 4.30.15.pdf

Hi Fareed:

I forwarded the email to Wendy Del Rosa. I attached a scan of my second quarter GAP online report that was submitted on April 30th.

Sincerely,

Creig Marcus

In a message dated 5/7/2015 11:24:09 A.M. Pacific Daylight Time, Ali.Fareed@epa.gov writes:

Wayne and Creig,

Please share this email with Wendy Del Rosa, Phillip Del Rosa, and Darren Rose. I will be mailing hard copies of this letter to everyone as well.

The EPA Grants Management Office and the EPA Tribal Office staff received notification that Alturas Rancheria withdrew \$324,400.00 in two drawdowns (9/16/2014 in the amount of \$124,400.00, and 10/15/2014 in the amount of \$200,000.00). It does not appear that the requests for these funds were based on actual expenditures as required by federal regulation.

Attached is a Grant Warning Enforcement Letter questioning \$211,900 of funds drawn for year 2 of the GAP grant. The letter requests Alturas provide supporting documentation for the amount in question or work with the Las Vegas Financial Center to credit back the GAP grant (GA-00T12801-0). The deadline to complete this action is by Friday, May 22, 2015.

If you have questions or require additional information contact information is included in the last paragraph of the attached letter.

---

Fareed Ali  
Grants Management Office  
U.S. Environmental Protection Agency, Reg 9  
75 Hawthorne Street, Mail Code: MTS-7  
San Francisco, CA 94105  
Tel.: (415) 972-3665



### Work Plan Details

Tribe	Alturas Indian Rancheria California
Work Plan Period	10/01/2014 - 09/30/2015
Reporting Frequency	Quarterly
Fiscal Year of Funding	2014
Status	Accepted
Author(s)	Creig Marcus
Description	FY 2014-15 GAP grant

### Component #1: Management of Environmental Office

Description	Maintaining, refining and developing administrative capacities in managing the environmental program.
Long-Term Outcome	Establishment of a sustainable environmental program. Maintenance of administrative records, environmental data and files. Compliance with federal requirements to ensure fiscal accountability.
Measures	
Intermediate Outcomes	Assist in developing long term sustainability through strategic planning System for joint EPA - Tribal program evaluation System for record retention and filing. Compliance with 40 CFR Part 31, 40 CFR Part 3; CFR Part 225 Proficiency in procurement, payments, FFRs and annual audits. Compliance with OMB A-133 if required Grants from other agencies
Estimated Component Cost	\$46414
Estimated Work Year (FTE)	0.26
EPA Program Coding	Program Code: Administrative Capacity Building Objective: General Program Support Sub-objective: N/A

### Commitment #1.1

Description	Hire part time Environmental Technician.
Estimated Cost	\$2500
End Date	10/15/2014
Positions	Environmental Specialist, Program Director/Assistant Director
Outputs and Deliverables	Tribal EPA will have advertised and hired Environmental Technician by 10/15/14. Include position description and job posting in quarterly report to Region 9 EPA.

### Commitment #1.1 Reports

Reporting Period Covered	Status	Milestone Date	Commitment End Date	Ouput (Documents)	Work Accomplished
2nd Quarter	Completed	10/31/2014	10/15/2014		Environmental Technician (Joe Burrell) hired by TED. (1st quarter)
1st Quarter	Completed	10/15/2014	10/15/2014	...ician_JobAnnouncement_9.14.pdf	Environmental Technician (Joe Burrell) hired by TED.

### Commitment #1.2

Description	Monthly reports to Tribal Council on progress of workplan - commitments and expenditures. Develop Joint Evaluation Process with Project Officer that covers three areas: 1. Format for reviewing workplan accomplishments against
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	<p>workplan commitments. 2. Review efficacy of workplan accomplishments in achieving EPA and Tribal goals. 3. Identify material or strategic weakness and develop plan for improving these areas.</p> <p>Quarterly and annual reports submitted to Region 9 EPA.</p> <p>Maintain operation of Tribal Environmental Office.</p> <p>B.2.4</p>
<b>Estimated Cost</b>	\$6000
<b>End Date</b>	09/30/2015
<b>Positions</b>	Environmental Specialist
<b>Outputs and Deliverables</b>	Monthly reports to Tribal Council on progress insuring accountability. Quarterly and annual reports for Region 9 EPA.

#### Commitment #1.2 Reports

Reporting Period Covered	Status	Milestone Date	Commitment End Date	Ouput (Documents)	Work Accomplished
2nd Quarter	On Schedule	03/31/2015	09/30/2015	...arter)_2015_Monthly_Report.pdf	Tribes requested a quarterly compilation rather than monthly reports due to Tribal Dispute – General Council (ultimate tribal governing body) reviews the reports.
1st Quarter	Behind Schedule	12/31/2014	09/30/2015	...cember_2014_Monthly_Report.pdf	Monthly reports were not submitted in October and November to Tribal Council and General Council, presented in January 2015 as one report for the quarter. Monthly reporting will begin with January report.

#### Commitment #1.3

<b>Description</b>	<p>Develop information management system to ensure proper retention, including protection of sensitive data, of administrative records and files. System for cataloging reference materials and accumulated data on environmental conditions for ease of reference. Tracking and file system for each grant</p> <p>B.2.7; B.4.1; B.4.3; B.4.5 ;</p>
<b>Estimated Cost</b>	\$4250
<b>End Date</b>	09/30/2015
<b>Positions</b>	Program Director/Assistant Director
<b>Outputs and Deliverables</b>	Written procedures and information management system in place. Submit final procedure to Region 9 project officer in annual report.

#### Commitment #1.3 Reports

Reporting Period Covered	Status	Milestone Date	Commitment End Date	Ouput (Documents)	Work Accomplished
2nd Quarter	Completed	01/31/2015	09/30/2015	...ement_Policy_January_2015.pdf	Information Management System approved January 2015.
1st Quarter	On Schedule	12/31/2014	09/30/2015	...Management_Policy_12.23.14.pdf	Began development of Information Management system, drafted proposed guidelines for Tribal approval of AIR EPD

					Records Management Policy.
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**Commitment #1.4**

<b>Description</b>	In support of the Tribal Environmental Plan, apply for:  NCRS EQIP grant for restoration of cultural important native species.  USDA grant for slough restoration.  Research U.S. Fish and Wildlife Service Tribal Wildlife Grant.  B.8.3
<b>Estimated Cost</b>	\$1500
<b>End Date</b>	09/30/2015
<b>Positions</b>	Program Director/Assistant Director
<b>Outputs and Deliverables</b>	Submit results of grant applications in quarterly and annual report to Region 9 EPA.

**Commitment #1.4 Reports**

Reporting Period Covered	Status	Milestone Date	Commitment End Date	Ouput (Documents)	Work Accomplished
2nd Quarter	Behind Schedule	09/30/2015	09/30/2015		Due to tribal dispute, no additional grants were applied for. In preparation for when dispute is resolved, attended NRCS grant workshop, DWR federal funding meeting; participated in USDA webinar, First Nations Youth & Culture webinar for native plant restoration. CWA 106 is in final draft, but not submitted due to SAM and ASAP on hold; grants.gov account is still active.
1st Quarter	Behind Schedule	11/30/2014	09/30/2015		Due to tribal dispute, no additional grants were applied for.

**Commitment #1.5**

<b>Description</b>	TED will work with Tribal Administration and accountant to ensure grant reporting and financial management fully complies with applicable CFR, GAAP and the Tribes Administrative Policy Manual. Statement by the accountant and Tribal Treasurer on the tribes accounting system is in compliance with Federal regulations. TED will prepare a monthly report of grant expenditures according to the budget to be reviewed by the Tribal Administrator and accountant. Report will be submitted to Tribal Council monthly.  B.2.4; B.3.1; B.3.5; B.3.6;
<b>Estimated Cost</b>	\$4000
<b>End Date</b>	09/30/2015
<b>Positions</b>	Program Director/Assistant Director
<b>Outputs and Deliverables</b>	Monthly reports to Tribal Council. Current Indirect Cost Rate. Accountant statement. Quarterly reports to Region 9 EPA. Annual Report to Region 9 EPA. Final review to Tribal Council at close of grant cycle.

**Commitment #1.5 Reports**

Reporting Period Covered	Status	Milestone Date	Commitment End Date	Ouput (Documents)	Work Accomplished
2nd Quarter	On Schedule	09/30/2015	09/30/2015		With the dispute, Tribal Secretary-Treasurer and Tribal

					Administrator, with the approval of General Council, protected the EPA GAP funds by placing them in a separate secured account. Full monthly accounting of approved expenditures is provided to the General Council.
1st Quarter	Behind Schedule	12/31/2014	09/30/2015		No monthly report to Tribal Council, Tribal Administrator and Secretary-Treasurer will present to General Council expenditure report in January. TED has record of expenditures for the first quarter which mainly consisted of payroll.

**Component #2: Pollution Prevention (Recycling)**

<b>Description</b>	Reduction of solid waste and recycling program.
<b>Long-Term Outcome</b>	A sustainable program for the reduction of solid waste and sustainable recycling program.
<b>Measures</b>	
<b>Intermediate Outcomes</b>	Reduction of solid waste. Develop recycling program with sustainable return. Develop application of green technologies. Pollution prevention ordinance
<b>Estimated Component Cost</b>	\$50059
<b>Estimated Work Year (FTE)</b>	0.32
<b>EPA Program Coding</b>	Program Code: Solid and Hazardous Waste Activities Objective: Capacity Building Sub-objective: Recycling

**Commitment #2.1**

<b>Description</b>	With the approved ISWMP, establish a program for reduction of solid waste and recycling program working with Region 9 personnel. A. Provide the tribes economic development entities with Solid Waste Management guidelines. After establishing a baseline of solid waste production, establish a goal for reduction. The recycling program will not only reduce solid waste but provide income for sustainability. E.3.19; E.3.6; G.3.11;
<b>Estimated Cost</b>	\$16320
<b>End Date</b>	06/30/2015
<b>Positions</b>	Environmental Specialist, Program Director/Assistant Director
<b>Outputs and Deliverables</b>	A program for reduction of solid waste and recycling. After Tribal Council approval, submit in quarterly and annual report. Reduced solid waste output and sustainable recycling program. Submit results of solid waste reduction in annual report to Region 9 EPA.

**Commitment #2.1 Reports**

Reporting Period Covered	Status	Milestone Date	Commitment End Date	Ouput (Documents)	Work Accomplished
2nd Quarter	Behind Schedule	03/31/2015	06/30/2015		No activities.
1st Quarter	Behind Schedule	06/30/2015	06/30/2015		Recycling bins were obtained at the first of October and placed at the casino and tribal office. Due to tribal dispute, it is not known if casino implemented solid waste reduction guidelines.

**Commitment #2.2**

<b>Description</b>	Research, draft and develop Pollution Prevention ordinance with assistance from Region 9 personnel. Ordinance will
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	establish regulations for recycling, treatment, disposal, energy usage reduction and green practices. Environmental Technician will serve as tribal waste management program coordinator.  C.3.17; C.3.31; E.3.1; E.3.5; E.3.6; E.3.7; E.3.8;
<b>Estimated Cost</b>	\$3400
<b>End Date</b>	03/31/2015
<b>Positions</b>	Environmental Specialist, Program Director/Assistant Director
<b>Outputs and Deliverables</b>	After Tribal Council approval, submit to Region 9 EPA project officer.

**Commitment #2.2 Reports**

Reporting Period Covered	Status	Milestone Date	Commitment End Date	Ouput (Documents)	Work Accomplished
2nd Quarter	Behind Schedule	03/31/2015	03/31/2015		Final draft of Pollution Prevention Ordinance presented to General Council for final approval in April. Upon approval, will be submitted to Region 9 EPA.  Participated in US EPA webinar on "Tribal Household Waste Management".
1st Quarter	On Schedule	03/31/2015	03/31/2015		Draft of Pollution Prevention Ordinance began in December. Will be presented to General Council for review then submitted to Region 9 personnel for review

**Component #3: Develop a Water Quality Program**

<b>Description</b>	Provide safe drinking water and clean non-drinking water sources
<b>Long-Term Outcome</b>	Source of safe drinking water.
<b>Measures</b>	
<b>Intermediate Outcomes</b>	Source water assessment Procure funding for tribal public drinking water system Develop clean water for slough restoration
<b>Estimated Component Cost</b>	\$52009
<b>Estimated Work Year (FTE)</b>	0.35
<b>EPA Program Coding</b>	Program Code: Drinking Water Objective: Source Water Protection Sub-objective: N/A

**Commitment #3.1**

<b>Description</b>	With assistance of Region 9 EPA, identify problems with drinking water source (wells). Water has a strong odor and unpleasant taste. With technical assistance from Region 9, identify proper federal funding source - EPA Indian Set Aside, USDA-RD, IHS, HUD and DOI. Consult with local agencies about drinking water quality.  D.3.5; D.3.8; B.8.3
<b>Estimated Cost</b>	\$10650
<b>End Date</b>	07/30/2015
<b>Positions</b>	Environmental Specialist, Program Director/Assistant Director
<b>Outputs and Deliverables</b>	Identification of problems with drinking water. Using data identify source for grant funding for tribal public drinking water system. Include in quarterly and annual report to Region 9 EPA.



**Commitment #3.1 Reports**

Reporting Period Covered	Status	Milestone Date	Commitment End Date	Ouput (Documents)	Work Accomplished
2nd Quarter	Work not yet scheduled	07/31/2015	07/30/2015		No activities.
1st Quarter	Work not yet scheduled	07/30/2015	07/30/2015		No activities

**Commitment #3.2**

<b>Description</b>	Explore the restoration of the slough, assess if wetlands grant through CWA 106 is appropriate.  Research, prepare financial eligibility application and grant documents to apply for a CWA 106 grant. Acquire baseline knowledge and skills related to the CWA.  Establish water efficiency policies.  D.3.2; D.3.3; D.3.7; D.3.17
<b>Estimated Cost</b>	\$9750
<b>End Date</b>	02/05/2015
<b>Positions</b>	Environmental Specialist, Program Director/Assistant Director
<b>Outputs and Deliverables</b>	Protection of the watershed and limited water resources. Developed grant funding for restoration and sustainable clean water program. Include in quarterly and annual report to Region 9 EPA.

**Commitment #3.2 Reports**

Reporting Period Covered	Status	Milestone Date	Commitment End Date	Ouput (Documents)	Work Accomplished
2nd Quarter	Behind Schedule	02/05/2015	02/05/2015		Draft grant prepared, not able to submit until Tribal dispute is resolved due to ASAP system and SAM on hold, Grants.gov account is still valid, but cannot submit any federally funded grants without active ASAP and SAM.
1st Quarter	Behind Schedule	02/05/2015	02/05/2015		Work on CWA 106 grant will begin in second quarter.

**Component #4: Education and outreach**

<b>Description</b>	Educate community and schools on green environmental practices. Network with other agencies.
<b>Long-Term Outcome</b>	Community aware of the environment and green practices.
<b>Measures</b>	
<b>Intermediate Outcomes</b>	Community awareness of green practices. Increased resources to support tribal environmental program. Intertribal networking
<b>Estimated Component Cost</b>	\$15398
<b>Estimated Work Year (FTE)</b>	0.1
<b>EPA Program Coding</b>	Program Code: Cross Media Activities Objective: Other: Outreach, Consultation and Coordination Sub-objective: N/A

#### Commitment #4.1

<b>Description</b>	Continue the outreach to the local community from the Insecticide Education program in 2014 by hosting four workshops: 1: Green Practices for business and household usage. 2: Host workshop with local schools on Green Practices. Submit articles on Green Practices to local newspaper.  B.6.2; B.6.3; B.6.4; E.3.5; G.3.7; G.3.11;
<b>Estimated Cost</b>	\$ 6330
<b>End Date</b>	09/30/2015
<b>Positions</b>	Environmental Specialist, Program Director/Assistant Director
<b>Outputs and Deliverables</b>	Submit copies of workshop materials and audience feedback in quarterly reports. Submit copies of articles in quarterly reports.

#### Commitment #4.1 Reports

Reporting Period Covered	Status	Milestone Date	Commitment End Date	Ouput (Documents)	Work Accomplished
2nd Quarter	Behind Schedule	09/30/2015	09/30/2015		No workshops conducted. Supplied Pesticide Workshop presentation from last year to several tribes upon their request
1st Quarter	Behind Schedule	12/31/2014	09/30/2015		No workshops conducted.

#### Component #5: Codes and Ordinances

<b>Description</b>	Develop the tribal authority for the environmental program in compliance with EPA and tribal regulations.
<b>Long-Term Outcome</b>	Establishment of a sustainable environmental program
<b>Measures</b>	
<b>Intermediate Outcomes</b>	Environmental Ordinance ETEP
<b>Estimated Component Cost</b>	\$15840
<b>Estimated Work Year (FTE)</b>	0.08
<b>EPA Program Coding</b>	Program Code: Cross Media Activities Objective: Other: Develop environmental codes and ordinances Sub-objective: N/A

#### Commitment #5.1

<b>Description</b>	Research, draft and get approved by the Tribe a Environmental Ordinance. This will be done in concert with the development of the ETEP with the Project Officer incorporating tribal environmental program priorities, capacity building and implementation in concert with EPA program priorities and requirements, inventory of regulated entities and identification of mutual roles and responsibilities. Legal Counsel statement on tribal authority. B.7.1; B.7.2
<b>Estimated Cost</b>	\$2000
<b>End Date</b>	09/30/2015
<b>Positions</b>	Program Director/Assistant Director
<b>Outputs and Deliverables</b>	Tribal Council approved Environmental Ordinance with review and input from Region 9 Project Officer. Legal letter defining Tribal authority from Tribal Attorney. Tribal Council and EPA Regional Administrator approved ETEP. Final drafts will be done by 8/31/15 and submitted for approval.

### Commitment #5.1 Reports

Reporting Period Covered	Status	Milestone Date	Commitment End Date	Ouput (Documents)	Work Accomplished
2nd Quarter	On Schedule	09/30/2015	09/30/2015		Review of Environmental Ordinance did not indicate any changes. Notice of findings sent to General Council.  Related – developed draft Pesticide Ordinance. Submitted for comments to Region 9 EPA; will be followed up on at May RTOC/Region 9 meeting with Marcy Katzin.
1st Quarter	On Schedule	02/28/2015	09/30/2015		Update of Environmental Ordinance has begun, target for approval by General Council will be February.

### Commitment #5.2

<b>Description</b>	Using the updated environmental inventory and Tribal Environmental Plan, incorporate the EPA provided roles and responsibilities to be included in final joint ETEP. by 4/30/15. The Tribe and EPA will collaborate on a cover memo to be signed by both parties that identifies areas where EPA's and the Tribe's goals align - areas where we will be working together to accomplish mutual interests. This will result in a final ETEP being submitted to the EPA Region 9 by 9/30/14.
<b>Estimated Cost</b>	\$4500
<b>End Date</b>	09/30/2015
<b>Positions</b>	Program Director/Assistant Director
<b>Outputs and Deliverables</b>	Submit updated inventory and TEP, summary of interaction with the Tribe and EPA on ETEP development. A signed cover memo between Tribe and EPA for the ETEP. Final ETEP on file with EPA Region 9.

### Commitment #5.2 Reports

Reporting Period Covered	Status	Milestone Date	Commitment End Date	Ouput (Documents)	Work Accomplished
2nd Quarter	Work not yet scheduled	09/30/2015	09/30/2015		No activities.
1st Quarter	Behind Schedule	04/30/2015	09/30/2015		No activities

### Component #6: Travel and Training

<b>Description</b>	Training for environmental staff and networking with other tribes and EPA Region 9 staff.
<b>Long-Term Outcome</b>	Trained staff
<b>Measures</b>	
<b>Intermediate Outcomes</b>	Trained staff Attend trainings and EPA meetings
<b>Estimated Component Cost</b>	\$20064
<b>Estimated Work Year (FTE)</b>	0.06
<b>EPA Program Coding</b>	Program Code: Cross Media Activities Objective: Sustainable Development Sub-objective: N/A

### Commitment #6.1

<b>Description</b>	Attend Region 9 EPA.RTOC quarterly meetings. Develop training schedule for TED and Technician to insure no duplicate trainings and develop knowledge base and skills to fulfill Tribal environmental goals. Attend Environmental
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	training workshops offered by EPA in the area of water quality program development. TED and Tech will cross-train each other after trainings or meetings. B.2.2 B.2.3
<b>Estimated Cost</b>	\$8125
<b>End Date</b>	09/30/2015
<b>Positions</b>	Environmental Specialist, Program Director/Assistant Director
<b>Outputs and Deliverables</b>	Increased knowledge base and skills for personnel and department. Networking established with Region 9 EPA personnel. Include in quarterly and annual reports to Region 9 EPA.

#### Commitment #6.1 Reports

Reporting Period Covered	Status	Milestone Date	Commitment End Date	Ouput (Documents)	Work Accomplished
2nd Quarter	On Schedule	03/31/2015	09/30/2015		Attended 2nd quarter RTOC/Region 9 meeting in Reno. Discussed current dispute with Region 9 officials. Meet with Tribal Liaison from California Department of Water Resources. Attended drought preparation workshop hosted by State of California.  Attended US DOE "Tribal Energy Systems: Climate Preparedness and Resiliency"
1st Quarter	Work not yet scheduled	12/31/2014	09/30/2015		Did not attend 1st quarter RTOC due to Tribal Dispute. Will attend the 2nd quarter RTOC in January.

#### Component #7: Consultation and Coordination

<b>Description</b>	Develop MOUs with other agencies
<b>Long-Term Outcome</b>	Increased networking and leveraging of other agencies resources to meet long term environmental goals.
<b>Measures</b>	
<b>Intermediate Outcomes</b>	MOUs with local agencies
<b>Estimated Component Cost</b>	\$12116
<b>Estimated Work Year (FTE)</b>	0.08
<b>EPA Program Coding</b>	Program Code: Cross Media Activities Objective: Other: Develop MOUs with two parties Sub-objective: N/A

#### Commitment #7.1

<b>Description</b>	Establish intergovernmental agreements or MOUs with Modoc County Agricultural Department and NCRS.
<b>Estimated Cost</b>	\$5000
<b>End Date</b>	08/05/2015
<b>Positions</b>	Program Director/Assistant Director
<b>Outputs and Deliverables</b>	Submit copies of agreements or MOUs in annual report to Region 9 EPA. The agreements will result in increased resources and leveraged resources in networking with local agencies. Include attendance at meetings in monthly Tribal Council reports and in quarterly reports to Region 9 EPA.

#### Commitment #7.1 Reports

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Reporting Period Covered	Status	Milestone Date	Commitment End Date	Output (Documents)	Work Accomplished
2nd Quarter	On Schedule	08/05/2015	08/05/2015	..._Ordinance._Region_9_Em ail.pdf	<p>Developed draft Pesticide Use MOU for Modoc County. Draft submitted to Modoc County in February, no comments received. Submitted to Region 9 EPA, suggestions for revisions received from Marcy Katzin and recommendation that legal council review.</p> <p>Related – developed draft Pesticide Ordinance. Submitted for comments to Region 9 EPA; will be followed up on at May RTOC/Region 9 meeting with Marcy Katzin.</p>
1st Quarter	Work not yet scheduled	08/05/2015	08/05/2015		No activities

## Woods, Anna

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**From:** Ali, Fareed  
**Sent:** Thursday, May 07, 2015 11:24 AM  
**To:** Tiwamarcus@aol.com; wayne@ardg.net  
**Cc:** Wilhite, Timothy; Ebbert, Laura; russell, sara; Chan, Renee; Woods, Anna  
**Subject:** EPA Grant Enforcement Warning - Alturas Rancheria (GAP: GA-00T12801-0)  
**Attachments:** Alturas Rancheria - EPA Grant Enforcement Warning Letter - 5-7-2015.pdf

Wayne and Creig,

Please share this email with Wendy Del Rosa, Phillip Del Rosa, and Darren Rose. I will be mailing hard copies of this letter to everyone as well.

The EPA Grants Management Office and the EPA Tribal Office staff received notification that Alturas Rancheria withdrew \$324,400.00 in two drawdowns (9/16/2014 in the amount of \$124,400.00, and 10/15/2014 in the amount of \$200,000.00). It does not appear that the requests for these funds were based on actual expenditures as required by federal regulation.

Attached is a Grant Warning Enforcement Letter questioning \$211,900 of funds drawn for year 2 of the GAP grant. The letter requests Alturas provide supporting documentation for the amount in question or work with the Las Vegas Financial Center to credit back the GAP grant (GA-00T12801-0). The deadline to complete this action is by Friday, May 22, 2015.

If you have questions or require additional information contact information is included in the last paragraph of the attached letter.

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Fareed Ali  
Grants Management Office  
U.S. Environmental Protection Agency, Reg 9  
75 Hawthorne Street, Mail Code: MTS-7  
San Francisco, CA 94105  
Tel.: (415) 972-3665  
Fax.: (415) 947-3556  
Email ali.fareed@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

Wayne Smith  
Tribal Administrator  
Alturas Rancheria  
P.O. Box 340  
Alturas, CA 96101

Re: Grant Enforcement Warning - Alturas Rancheria- Overdrawn funds under General Assistance Program (Assistance ID Number: GA-00T128010)

Dear Mr. Smith:

The Alturas Rancheria is currently in the second year of a four-year General Assistance Program (GAP) grant with the U.S. Environmental Protection Agency (EPA). The grant began 10/1/2013 and is set to expire 9/30/2017. To date, EPA has provided funding for the first two years of the grant; year one covers 10/01/13 – 09/30/14 in the amount of \$185,000 and year two covers 10/01/14 through 9/30/2015 in the amount of \$211,900. This letter is to inform you of questioned costs in the amount of \$211,900 related to possible overpayment on your GAP grant.

The EPA Grants Management Office and the EPA Tribal Office staff received notification that Alturas Rancheria withdrew \$324,400.00 in two drawdowns (9/16/2014 in the amount of \$124,400.00, and 10/15/2014 in the amount of \$200,000.00). It does not appear that the requests for these funds were based on actual expenditures as required by federal regulation and do not appear justified.

*Pursuant to 40 CFR §31.20 Standards for financial management systems...(b) The financial management systems of other grantees and subgrantees must meet the following standards:..."(4) Budget Control. Actual expenditures or outlays must be compared with budgeted amounts for each grant or subgrant. Financial information must be related to performance..." and "(6) Source documentation. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract and subgrant award documents, etc."*

According to Alturas Rancheria's programmatic reports, grant work plan activities were completed for the first year of the grant, which was funded at \$185,000. The second year of the grant was funded at \$211,900. Since the Rancheria's Environmental Program had not been active for any portion of year two, funding for year two should not have been drawn down.

EPA requests your support in resolving this matter, by providing source documentation via email for the two drawdowns dated 9/16/2014 and 10/15/2014 **to your EPA Project Officer by May 22, 2015**. These source documents may include, but are not limited to, copies of "budget vs. actual expenditure" reports, general ledger reports, personnel timesheets, etc. If these drawdowns are indeed an overpayment please contact Anna Woods of our Las Vegas Financial Center to correct the overpayment.

*Pursuant to EPA grant regulation 40 CFR §31.43, if a grantee materially fails to comply with any term of an award, whether stated in Federal statute, regulation, an assurance, a notice of award or elsewhere, EPA may take one or more of the following actions:*

- (1) Temporarily withhold cash payment pending correction of the deficiency by the grantee.*
- (2) Disallow all or part of cost of the activity or action not in compliance,*
- (3) Wholly or partly suspend or terminate the current grant award for the grantee's program,*
- (4) Withhold further awards, or*
- (5) Take other remedies that may be legally available.*

Thank you for your prompt attention to this matter. EPA remains committed to working with Alturas Rancheria to resolve these financial/grant management issues. If you have any questions concerning this letter, please contact the EPA Project Officer, Tim Wilhite, at (530) 847-4577 or [whilhite.timothy@epa.gov](mailto:whilhite.timothy@epa.gov) or the EPA Grants Management Specialist, Fareed Ali, at (415) 972-3665 or [ali.fareed@epa.gov](mailto:ali.fareed@epa.gov) or EPA Las Vegas Finance Center, Anna Woods, at 702-798-2496 or [woods.anna@epa.gov](mailto:woods.anna@epa.gov).

Sincerely,



Sara L. Russell  
Grants Management Officer  
U.S. EPA Region 9

Enclosures

cc: Creig Marcus, Alturas Rancheria  
Darren Rose, Alturas Rancheria  
Wendy Del Rosa, Alturas Rancheria  
Phillip Del Rosa, Alturas Rancheria